

FREMONT BOARD OF SELECTMEN**17 JULY 2008****APPROVED 07/24/2008**

At 6:13 pm the meeting was called to order in the basement meeting room of the Town Hall by Chairman Cordes. Present were Selectmen Gene Cordes, Brett Hunter, and Donald Gates Jr; and Town Administrator Heidi Carlson.

At 6:15 pm Cemetery Trustees Dick Rand, Roger Anderson, and Bob Stackpole came into the meeting. They were here this evening to discuss the posted part-time seasonal laborer position for the cemeteries and the RFP posted for the Phase II expansion work at the Leavitt Road Cemetery.

Carlson indicated that two applications had come in for the part-time position, and that Trustees Anderson and Rand met yesterday to review them. Copies were then delivered to Stackpole's home so he could review them as well.

Anderson said that the Trustees are going to recommend Jesse Hamel at this time due to a little more maturity, and the fact that he is immediately available for whatever hours are available. He is known to Anderson and Rand and is well aware that the schedule could be 8 hours one week and none the next.

After some discussion, Selectmen said they are comfortable with the Trustees recommendation of Hamel for the position. They would like to do this on an interim basis, pending receipt of a criminal records check.

A motion was made by Gates and seconded by Hunter to hire on a conditional basis as a part-time seasonal employee for the cemetery, Jesse Hamel. Conditions include that he complete all of the Town's paperwork and a criminal background check. The vote was unanimously approved 3-0.

There was discussion about the Leavitt Road Phase II RFP. Anderson said that Leon Holmes Sr had contacted him, and Rand had spoken with him also, regarding Holmes' concerns about how the work ended up last year in that it needs to be "cleaned" up and reshaped. Leon Holmes Sr had approached Anderson a few weeks ago because he was not happy with how it looked and wanted to fix it, which he is planning to do it at no cost, and wanted to be sure that the Board of Selectmen was OK with that. Trustees and the Selectmen were fine with him doing some final work to dress off the area.

Trustees felt it was good to get that done before the next phase of work begins.

The Leavitt expansion will have about 700 grave sites available when it is all completed, perhaps more depending on the layout and how work progresses. Sites will be established and sold in order so as to avoid confusion and keep the map orderly.

Trustees were invited to the Selectmen's meeting on August 14, 2008 at 6:30 pm which is the time set for opening of bids received for the Leavitt work. The RFP is now complete and was posted yesterday. Copies were given to the Trustees, and it is also on the website. It was mailed to the two contractors who submitted bids on the Phase I portion.

Trustees were thanked for coming in, and they left the meeting at 6:35 pm.

At 6:35 pm Aaron Epstein came into the meeting. Epstein came in to discuss his interest in a position on the Zoning Board of Adjustment.

Epstein said he had sat in on a meeting back in June and was interested in serving. The ZBA had recommended his appointment to the Selectmen some weeks ago, but Epstein had not been able to get in due to a class he was attending on Thursday evenings.

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Cordes said that with Meredith Bolduc there and the other Board members, they will give Epstein some guidance, and it is important work. Cordes said that he was very appreciative of him stepping forward to the position.

Cordes read through the appointment form for a term to expire in March 2009. Hunter moved to appoint Aaron Epstein as a member of the Fremont Zoning Board of Adjustment for a two year term to expire in March 2009, filling the unexpired term of Richard Butler. Selectmen signed the form and it was given to Epstein to take to the Town Clerk and be sworn in.

As he was present this evening, there was discussion that Epstein has submitted a letter of interest for the Emergency Management Director position. Epstein is retiring next week after 21 years in the Coast Guard, and has experience in fire and rescue services.

He indicated that he is aware it is virtually a volunteer position. Cordes outlined some of the current planning and organizational tasks, as well as updates to the Town's manuals and operations plans that are pending. Carlson added that there are some grant opportunities for the manual/plan updates. There are several upcoming workshops which Epstein could attend also.

Gates moved to appoint Aaron Epstein as the Emergency Management Director with an updated criminal background check, satisfactory completed within 14 days. Hunter seconded and the vote was unanimously approved. Carlson went to print out an appointment form. Selectmen signed it when she returned to the meeting.

Epstein left the meeting at 7:00 pm and went to the Clerk's Office to be sworn in for both positions.

OLD BUSINESS

1. Selectmen reviewed the minutes of meetings for 10 July 2008 and 16 July 2008. There were no issues with the minutes of 10 July 2008. Motion was made by Gates and seconded by Hunter to accept the minutes of 10 July 2008 as written. That vote was unanimously approved 3-0. Hunter then moved to accept the minutes of 16 July 2008 with one sentence restructured on page one. Cordes seconded and the vote was approved 2-0-1 with Gates abstaining.

At 7:00 pm Department Head Interim Acting Fire Chief Richard Butler came into the meeting. He presented a revised working draft of the Department's Application for Membership form, which was reviewed and discussed. This continues to be a work-in-progress document.

Butler went on to say that while doing an inspection at a building in town, he had talked to Reinhold Security about a card/key fob security system for the station, indicating they could do eight doors for \$5,000.

There was discussion about keyless entry and key codes as a management system for entry doors at the Safety Complex. An initial estimate a few years ago was about \$20,000; because the Police Department will also want to do their portion of the building, if that type of security system is investigated.

Selectmen began to discuss the many management aspects of the program, and that it would require someone to administer it constantly. Selectmen agreed with Butler's statement that there should be an inventory of the keys that are currently out.

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At 7:15 pm a motion was made by Hunter and seconded by Gates to enter non-public session pursuant to NH RSA 91-A:3 II (c) to discuss a personnel matter which may be injurious to someone's reputation. The vote was unanimously approved 3-0.

At 7:27 pm motion was made by Gates and seconded by Hunter to return to public session. The vote was unanimously approved 3-0.

Butler then said he had a FRD budget line item transfer to discuss. He talked about the Chief's fuel line and the overall department equipment fuel line. Selectmen explained to him how the Chief's gas line had been established, including providing some past history to Butler. It was felt that putting in for mileage reimbursement or using department equipment was a better way to handle this.

Butler said that he wanted to move that Chief gas line appropriation (dollar amount) and combine it with the overall fuel line item. A motion was made by Hunter to move \$700 in the FRD budget to the overall fuel line item from the Chief's gas line, combining them and removing the latter from the budget. Gates seconded and the vote was unanimously approved 3-0.

At 7:37 pm Butler left the meeting and the Selectmen moved on to the Public Hearing. At this time Cynthia McRae and Frank Bettencourt Jr came into the meeting room.

At 7:40 pm Cordes called to order the continuation of Cynthia McRae's Barn Discretionary Easement Public Hearing. This is continued from July 1, 2008.

Selectmen read the information received by email this afternoon from McRae and from Mary Kate Ryan of the NH Division of Historic Resources. This email contained the following:

☐ If this property is reviewed in the future, additional documentation will be needed. This barn is located on a farmstead on Beede Hill in Fremont NH. According to the Fremont history (1997), Eli Beede owned land in Brentwood (now Fremont) on which his son Jonathan built a log cabin c.1753-1754. Father and son replaced the cabin with a framed house c. 1797-1800, and the property remained in the family until 1963. A letter dated March 16, 2008 from Matthew Thomas, President of the Fremont Historical Society, states that the farm "at one time, was comprised of a carriage house, workshop, schoolhouse, and cobbler shop. It was one of the largest farms in Rockingham County during the 1800s and early 1900s. The old Beede Family Graveyard is located on the edge of the wood southeast of the barn..." He also states, "George F. Beede, who owned this farm between 1883 and 1914, was a successful surveyor, Justice of the Peace, town official, and highly respected farmer who was noted throughout New England for inventing and cultivating over 200 varieties of strawberries upon this expansive Fremont farm." He goes on to note that the old houses and farms on Beede Hill form "one of the last unspoiled rural scenes in central Rockingham County that has not been visually compromised with modern buildings or amenities."

☐ Entered into database

ACREAGE:	11.50 acres
PERIOD OF SIGNIFICANCE:	To be determined
AREA OF SIGNIFICANCE:	To be determined
BOUNDARY:	Map/parcel 05/072 (barn parcel)
SURVEYOR:	Cynthia McRae, property owner

FOLLOW-UP: The barn (and indeed the farmstead) appears to be historically important and may be eligible for the State and National Registers, but the DHR would need sufficient information on the entire property to make that judgment. It may be more efficient and cost-effective to hire a professional architectural historian who is familiar with inventorying NH agricultural properties to complete the form, as the DHR cannot make a formal determination of eligibility without adequate documentation.

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Additional check-off boxes at the top of the application included that “more information is necessary” for a determination to be made, both with regard to individual properties and districts for the National Register and the NH State Register.

McRae said she filled out much of what she thought she needed to fill out for the NH application form, but that there was not sufficient information for the NH Division of Historic Resources to make a determination. She was trying to determine whether it was worthwhile to do a full application form, as it is costly and lengthy.

Selectmen went through the previously discussed evaluation form (see form on file). The qualifying factors had all been previously met. Then they moved on to the one remaining question to be answered, question 3, the historical importance on a local, regional or national level, individually or as part of a historic area.

There was a lengthy discussion on the structure condition, and this is where the DHR determination comes in, as to whether or not the structure is eligible for the State and National Historic Registers.

The final determination came down to taking 55% (the high end) and using the 45-55% criteria: Structure is not listed, nor eligible for listing, in the National or New Hampshire Registers, but is of state, regional, or local importance. (Documentation required).

The homeowner felt that it likely was eligible but did not have documentation to say so one way or the other. Without documentation, the Board did not feel they could put it in the upper category.

The sum of the four grades used to come up with a percentage is 245, bringing the percent for use in the easement to 61%. This information needs to be put in the easement and a new back page typed as markings in error were made tonight on the State PA 36-A Form.

With all now in order, motion was made by Gates and seconded by Hunter to use a 61% value reduction of the barn and appurtenant land for the barn at 245 Beede Hill Road owned by Cynthia McRae and to grant the Barn Discretionary Preservation Easement Application of Cynthia McRae. The vote was unanimously approved 3-0.

Ms McRae will be in next week with recording fee checks and to sign the forms once Carlson has them together in final form.

The public hearing was closed at 8:04 pm. Ms McRae left the meeting at this time.

At this time, Frank Bettencourt Jr came up to the table, indicating he went by “Chuck.” Bettencourt was here this evening to discuss the Exeter River Camping Area and its non-conforming use status as determined by the Selectmen. This property is tax map/parcel 02-029.

He thanked Thom Roy for his flexibility today and said his time was beneficial to Bettencourt to view the property. He said he had not had the opportunity to talk with Thom live until today, and mentioned a prior phone call that was unproductive.

He said he would like to focus on items one and two of the letter he submitted for the Board to review last week (letter on file).

Bettencourt said he did not know how the correspondence from his father, Frank Bettencourt Sr, had come in to the Town’s file, but he was trying to seek clarification on the Board’s position.

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Frank Bettencourt Sr sent a letter in July 2007 to Thom Roy outlining how things were at the campground. Selectmen then sent a letter in August 2007 clarifying their position.

Bettencourt said he is here because his understanding about the date of closure is different. He said he and his family (now the Estate of Frank Bettencourt Sr) realize that they are in trouble with time, in terms of the dates specified as to the grandfathered status of the non-conforming use which has been discontinued.

Bettencourt said that if you stick to the BOS letter of August 2007, it says you concluded business in the fall of 2006 and the year carries over, if you want to continue operations after that, you need to seek site approval. Bettencourt said they knew they did have an additional six months due to the pending “for sale” status of the property. His interpretation of what that timeline really is differs from the Selectmen’s.

Frank Bettencourt Sr died in December 2007, and if they wanted to go into business, they had to do so by May 2008 to be within the prescribed limits of the Board of Selectmen’s letter.

Bettencourt said that his sister Susan Boyd was named as Executor of the Estate of Frank Bettencourt Sr on April 24, 2008, and that Frank’s death certificate was done incorrectly and needs a corrected death certificate from the State of California, which the state has said could take up to another year to complete.

Bettencourt explained that there are several extenuating circumstances and that the Estate did not legally have possession of the property until Susan was appointed Executor in April. He explained that legally, they did not have any standing to handle the affairs.

He further discussed the timeline that was initially set. He questioned that the “letter of the law” in the zoning code, is it a November 26 start date with one year from that, and then an additional six months due to the sale of the property?

Bettencourt contends that it wasn’t really closed until Frank Sr did not reopen in March of 2007; and that it was not until the April timeframe (when the business would historically open) that the 18 month clock should have begun.

He said that a realtor has been actively trying to sell it and Frank had been trying to sell it for two years prior. Bettencourt talked about the horrendous real estate market. He said they had one buyer who sent a P & S agreement, contingent upon whether it is a campground and whether or not the Town recognizes it as such.

Bettencourt said that they can’t sell it as a campground because they don’t know the status of it, and can’t sell it as a single family home because people want to buy it as a campground. He said the estate does not want to run it as a campground, but said they have been encouraged to open it as a business, just to open it.

He said that anyone who wants to purchase it as a campground knows they will have to put money in to it, and then people are willing to look at the cost to upgrade electric and septic matters.

He also discussed trying to sell it now as a single family house with a garage. If McCoy (real estate agent) gets a purchase and sale request from someone, they are going to write it up as what the buyer wants it as.

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Bettencourt said that the economic driving factor for the real estate agent is to sell it as a campground. He said there is a substantial difference in the sale of an approved campground versus a single family two bedroom house with a bathroom and a garage.

Bettencourt said they are looking for a year for a potential buyer to do their analysis and make decisions. He also noted that some areas of Fremont have now been rezoned and the grandfathering status may be changed due to that as well.

Gates said the simple question to him is "can it be a campground?" Bettencourt said that an owner could not probably do it with 20 sites. To make a business out of it, they would need 50 sites in there. Bettencourt said they are searching for time.

Cordes said he thinks the Board's job and Thom Roy's job is to enforce the code. For Bettencourt to administratively ask us to look the other way is not the right thing to do. Cordes said that the remedy is with the Zoning Board of Adjustment.

Cordes said that getting to a 50 site campground is a change in scope, and would have to go back to the Planning Board and the Site Review process. He said it includes meeting current code, no matter how you look at it. Cordes said he did not feel the Board was in a position to ignore the clock. Bettencourt said he understood the Board's position regarding Site Review, but even for that process, the Estate needed time to find the right buyer who can put together the full plan and review it for feasibility, which will take time.

Gates said that if it is recognized as a campground now, and someone buys it and the Town acknowledges it is an active campground, then we have 20 campers in there without doing anything and we continue to have code issues that need to be dealt with. The Board felt that the proper venue is with a designed plan and to the Planning Board and Zoning Board of Adjustment.

Bettencourt said the campground was not shut down due to violations, it was simply not opened in May of 2007. It was simply not reopened because Frank Bettencourt Sr could not run it as a campground.

Bettencourt said that the Estate sees the campground as closed when it did not open in April 2007, and further that he has every intention of going to the Zoning Board of Adjustment.

There was discussion about application for an Appeal from an Administrative Decision as well as a Variance for an extension for the timeframe for the grandfathering status.

Gates said it should not be marketed as an active campground and Bettencourt said that it is not being marketed that way. Further review of the purchase and sale agreement (which Bettencourt had not signed) referred to contingency of approvals of Zoning and such.

Bettencourt said they have been advised repeatedly to open this as a campground and he said that the Bettencourt family was not going to open it. Bettencourt felt strongly that if there were things that needed to be done, he wanted them to be done right.

Gates said he did not see it as an active campground and Bettencourt agreed that it was not, and that it had not opened for business in May of 2007.

Cordes said it comes down to "when does the clock start?"

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Selectmen agreed that he needed to next go to the Zoning Board and Cordes implored him to look at the gain of that for what the issues are of a 20 versus 50 site campground, including the environmental, flood zone, building and code matters, etc.

Bettencourt said for the right buyer it could be the perfect model.

Cordes said that if he wanted a letter referring him to the ZBA that the Board of Selectmen could write one. (He has the Board's initial letter which brought him here this evening). There was a discussion about the appeal process for Appeal of an Administrative Decision and how the process might work at the ZBA level. It was explained that the ZBA is an independent appeal board and would be in place to hear the appeal and review the applicant's information. It was explained they would likely ask questions, may want to view the site, and would hear any testimony the applicant wanted to provide.

There was discussion about flooding conditions there and how that would play into any site plan. There have been several major floods in Fremont in the past 20 years, at least four of which have significantly affected the campground.

Selectmen outlined some information they would have Carlson put in a letter on their behalf, to Bettencourt, including that in follow-up to this meeting of July 17th the Selectmen want to confirm that that initial letter stands, and that we also referred the applicant to the Zoning Board to hear the appeal of that decision, as well as possibly a variance, as a process to seek relief.

Selectmen said that Frank Bettencourt Sr was highly regarded and the Board felt that the questions had been asked in good faith, and the Board had responded to the letter which came from him.

The letter will be written to the ZBA and a copy sent to Frank Bettencourt Jr.

At 8:54 pm Bettencourt left the meeting, thanking the Board for their time.

OLD BUSINESS CONTINUED

2. Selectmen discussed the North Road project in follow-up to the meeting last night. It was indicated that Bill Rollins is going back to do some cross sections on what we need to do regarding use of geo fabric and such, and that he will also look at the site and how much the wall is tipping in, and what the issues were, including talking with the other abutter if pertinent.

He will work on getting the documents ready to go to the Planning Board Scenic Road Public Hearing, which will be on August 20, 2008 at 7:30 pm.

The Board discussed making a determination about who is going to do the work. Sue Miller had raised a question last night about Guerwood Holmes' experience in building stone walls, which the Board discussed. The Board needs to make a decision about how to approach this project.

Hunter moved to put together an RFP for the North Road work (property line wall repair work) and put it out to bid; and fund it out of the highway budget. Gates seconded and the vote was unanimously approved 3-0.

Selectmen discussed the budgets and where Holmes was with Highway budget. Work on South Road was discussed as much has been done this summer, and what else may be planned for summer work. The Board would like to know what the priorities are and the upcoming work plan.

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3. Carlson indicated that Bill Rollins had given the Town a plan last night for the ballfield engineering work. The next step in the process is to put an RFP together and put the work out to bid. Rollins will assist the Town through this process.

4. Selectmen again reviewed the Cable renewal contract and additional updates from Attorney Epstein in follow-up to the last review. He had some final questions that included the following, with discussion from this evening:

1. Why does the Board want aerial mile defined? He indicated that it refers to overhead area. The Board said they did want a definition, as it is referred to differently than an underground mile, and continued to question what it included. Attorney Epstein said it was discussed in Section 5.3.
2. Attorney Epstein added transfer of stock to Definition #48 for clarity. The Board reviewed this and found it to be acceptable.
3. In Section 7.3 the first three sections (a-c) need additional information. This had been worked out today by phone in a conversation between Carlson and Epstein, and the Board was agreeable to have, within six (6) months of the Execution Date, the Franchisee to construct, maintain and provide Origination Capability for the Town's use at the Town Hall, Ellis School, and Fremont Public Library (with addresses provided for each building) as outlined in Item (a).
4. Item (b) was revised to say that no later than six (6) months from the Execution Date, and in coordination with the wiring of the Town Hall, the Franchisee shall provide to the Town , at no cost to the Franchisee, two (2) PEG Access Channels. The list of playback equipment needs to be added to this article. Attorney Epstein did not think it advisable to have the sidebar letter, and thought that all covered items should be included in the text of the contract.
5. Item (c) was updated to say that no later than six months from the Execution date, the training will be provided. Epstein earlier said that this training should also be defined in the contract. (IE: what does it entail?)
6. The Board is going to leave the address of the Town Attorney in care of the Selectmen's Office in section 16.11.

The Board discussed sending the draft to Comcast, and indicated that once additional changes are made, Attorney Epstein should send it, with a letter, along to Jay Somers at Comcast. The Board did want the marked up contract to come back to the Town for review, and reiterated that Comcast is not authorized to speak with the Town's legal counsel without the Board's permission in advance.

5. An additional recycle bin order has been placed for a pallet (250 bins); and could be here as early as next week. We have now a lengthy waiting list for bins.

6. Carlson provided an update on tax deed matters, in that the Collector informed her tonight that the deed date is 07/20/2008. There are still four owners who have not made payment arrangements and had no recent contact with the Town. The Board instructed Carlson to send one final letter to each of these property owners to follow-up. There are two owners who currently have payment arrangements in place to finish paying off the 2005 amounts. Follow-up letters need also to go out to those two owners to see how they are doing on their plans.

7. Selectmen reviewed an estimate from Dzioba Construction for repairs to the Highway Shed. This has also been sent to Guerwood Holmes, who indicated that it should be done. The Board did not want to take action on the \$4,782.00 estimate as no determination has yet been received from the insurance company.

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1. Selectmen reviewed the accounts payable manifest \$13,560.50 for 18 July 2008. Motion was made to approve the manifest by Gates. Hunter seconded and the vote was unanimously approved 3-0.

The Board also discussed getting June 30th updates on budgets for Fire Rescue and Police.

2. Selectmen reviewed the folder of incoming correspondence.

3. Selectmen reviewed the August Newsletter. Some changes were made, including typos and removal of information that contained pricing "advertising."

4. Selectmen reviewed the NH DRA letter regarding use of the PA-28 form (Inventory Blank). Fremont does not use this form any longer, and Selectmen so certified and signed the estate form.

5. There was discussion about the Parks & Recreation pay rate for the position of Activities Director. A letter from Jen Jaquith with approval indicated from the Parks & Recreation meeting of July 9, 2008 was noted on the letter.

Selectmen voted to grant the request for an increase of \$1.00 per hour for Abby Pelletier for the position at Camp Fremont, based on what had been included in their 2008 operating budget, on a motion from Hunter and second from Gates.

6. Carlson presented for the Board's consideration, a NIMS Resolution. Documentation adopting NIMS as the basis for Incident Management for the Town is required to move forward with the NIMSCAST projects, and several upcoming grants. The Board reviewed the resolution (taken from a NH HS / OEM template). Motion was made by Hunter to adopt the Resolution for the Adopting of the National Incident Management System (NIMS) as the Basis for Incident Management in the Town of Fremont. Gates seconded and the vote was unanimously approved 3-0. A final version dated and with signature lines will be presented next week. Cordes said he would sign it upon his return on July 31st.

NEXT WEEK

The next regular Board meeting will be held on Thursday July 24, 2008 at 6:00 pm.

With no further business to come before the Board, motion was made to adjourn the meeting at 10:11 pm by Hunter. Gates seconded and the vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson
Town Administrator